





August 3.

# FISH PLENTIFUL AT T WHARF.

## Boston Dealers Well Supplied For Today's Trade.

Boston has a liberal supply of fresh fish today, and prices show a downward tendency. Twenty-four vessels, mostly from off-shore were at T wharf this morning with good trips, so that dealers have sufficient stock to meet the demand of the trade. While prices are lower than yesterday, they are firm for the season, and more than equal that of former years.

Three swordfish arrivals with medium fares and this commodity shows a decline from 20 to 15 cents, which is a most satisfactory price at this time. Cod and haddock, while lower today, still continue high, and fishermen hardly expected the price that is being paid at this time. It now appears that Boston is using more fish than usual, so that the surplus supply for the splitters will hardly come up to expectation.

The fares and prices in detail are:  
**Boston Arrivals.**

- Sch. Matchless, 15,000 haddock, 10,000 cod.
  - Sch. Gertrude, 10,000 haddock, 22,000 cod.
  - Sch. Gladys and Nellie, 5000 haddock, 12,000 cod.
  - Sch. Joseph P. Johnson, 4000 haddock, 10,000 cod.
  - Sch. Robert and Arthur, 33,000 haddock, 7000 cod, 20,000 hake.
  - Sch. Edith Silveria, 7000 haddock, 5000 cod.
  - Sch. Georgianna, 12,000 pollock, 18 swordfish, weight 530 pounds.
  - Sch. Olympia, 7000 pollock.
  - Sch. Marion, 500 haddock, 5000 cod.
  - Sch. Joppaite, 50 bbls fresh herring.
  - Sch. Jeffrey, 40 bbls. herring.
  - Sch. Mabel Bryson, 57 swordfish.
  - Sch. Mary E. Sinnett, 39 swordfish.
  - Sch. Eva Avina, 15 swordfish.
  - Sch. Mary DeCosta, 17,000 haddock, 31,000 cod.
  - Sch. Annie Perry, 14,000 haddock, 28,000 cod, 3000 pollock.
  - Sch. Lewis C. Totman, 500 haddock, 1000 pollock.
  - Sch. Mary J. Ward, 2500 haddock, 1300 pollock, 1000 halibut.
  - Sch. Viking, 1000 haddock, 30,000 cod.
  - Sch. Alice M. Guthrie, 37,000 haddock, 14,000 cod, 5000 hake.
  - Sch. Rose Dorothea, 700 haddock, 15,000 cod, 2000 hake.
  - Sch. Mattakesett, 8000 haddock, 18,000 cod.
  - Sch. Louisa R. Sylvia, 5000 haddock, 27,000 cod.
  - Sch. Jessie Costa, 5000 haddock, 12,000 cod.
  - Sch. E. C. Hussey, 2500 haddock, 39,000 cod.
- Haddock, \$2.50 to \$3 per cwt.; large cod, \$3.50 to \$4.50; market cod, \$2 to \$2.75; hake, \$1 to \$2; pollock, \$2.50 to \$3; swordfish, 17 cts. per lb.

### A YELLOW LOBSTER.

Also Several Blue Ones Have Been Seen at Portland Lately.

Lobsters are not always green before they are boiled. A striking proof of this was recently shown at the wharf of the N. F. Trefethen Co., Portland, for among some of the lobsters received there was a yellow crustacean. It was not a green yellow as might be expected by a straight yellow ochre fellow, all of one shade. He was picked up off the coast not far from Portland, but whether there are many others like him or not around has not been learned. This particular lobster was taken in charge by Capt. Greenleaf of the United States fisheries steamer Garnet and carried to Boothbay where there is a hatchery and where freak lobsters are kept.

But yellow is not the only color besides green that lobsters wear. At the Trefethen place last week were a number of fish that were almost a bright blue. They were handsome fellows and were greatly admired by all who saw them. The difference in color in the crustaceans is explained by the different waters in which they are kept for it is thought that storage in pounds may have something to do with the shade of the shell. Cultivation of the lobster may be brought to such a pass that a lady may order any shade that will agree with her complexion.

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# ONE FARE OF HAKE ONLY FISH HERE.

## Dory Handliners and Shack- ers Making Long Trips.

Receipts of fish at this port continue light, only one fare having arrived up to this morning, since last report, sch. Buema, from LeHave Bank with 145,000 pounds of fresh hake.

The salt fishermen show a backwardness in arriving, for some of them should have been in had they met with any degree of success. Several shackers which have been out some time are now due and with good trips, would materially help replenish the depleted stock.

The shore boats, as usual, are not landing any fish other than what is used for immediate consumption, so that the dealers are getting nothing from that source.

The arrivals and receipts in detail are:

### Today's Arrivals and Receipts.

- Sch. Buema, LeHave Bank, 145,000 lbs. fresh hake.
- Sch. Ralph L. Hall, seinig.

### Vessels Sailed.

- Sch. Thomas A. Cromwell, dory handlining.
- Sch. Clintonia, dory handlining.
- Sch. Georgia, North Bay, seining.

### Today's Fish Market.

- Handline Georges cod, large, \$4 per cwt.; medium, \$3.37½.
- Trawl Georges cod, large, \$3.75 per cwt.; medium, \$3.25.
- Trawl bank cod, large, \$3.35 per cwt.; medium, \$3.
- Drift Georges cod, large, \$3.75 per cwt.; medium, \$3.37½.
- Salt cusk, large, \$2.50 per cwt.; medium, \$2.
- Salt haddock, \$1.25 per cwt.
- Salt hake, \$1.25 per cwt.
- Salt pollock, \$1.25 per cwt.
- Dory handline cod, large, \$3.75 per cwt.; medium, \$3.37 1-2.
- Splitting prices for fresh fish:
  - Western cod, large, \$2.25 per cwt.; medium, \$1.75.
  - Eastern cod, large, \$1.90 per cwt.; medium, \$1.55; snappers, 60 cts.
  - Western Bank cod, large \$2.12 1-2 per cwt.; medium, \$1.65.
  - Cusk, large, \$1.60 per cwt.; medium, \$1.20; snappers, 50 cts.
  - Haddock, \$1 per cwt.; hake, \$1.05 per cwt.; dressed pollock, 75 cts. per cwt.; round pollock, 70 cts. per cwt.

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## MONSTER SWORDFISH LANDED.

Sch. Georgianna Captured One Weighing 530 Pounds.

Sch. Georgianna, which arrived at T wharf this morning, brought in a swordfish weighing 530 pounds, which is one of the largest of that species ever captured. At the running prices today, the fish will add about \$75 to the boat's stock.

The crew of the Laura Enos also made a strike Monday that netted them a nice sum of money. On the way in from her trip the little fisherman ran across a swordfish basking in the sun and captured it. It weighed cleaned and trimmed, just 559 pounds. Swordfish were high again, and the dealer who bought the fish paid \$111.18 for it, which will make a big addition to the stock of the vessel and the shares of the small crew.

### Fishing Fleet Movements.

- Sch. Lucinda I. Lowell arrived at Canso, N. S., Saturday last and cleared for the fishing grounds.
- Sch. Avalon arrived and cleared at Liverpool, N. S., Saturday last.

### Codfish Sale.

The fare of fresh fish of sch. Buema was sold to the Gorton-Pew Fisheries Company at Board of Trade prices.

### Shad at Portland.

Sixty barrels of shad were landed at Portland on Monday by sloop Alice G.

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# SEINERS MAY GO TO NORTH BAY.

## Few Mackerel Now on the New England Shore.

The mackerel situation on the New England coast still continues the topic of conversation in fishing circles, for the catch to date has been a most miserable failure and must go down in history as the smallest catch ever made in this branch of the fishery.

One seiner arrived during last night, sch. Ralph L. Hall, and her skipper reports cruising from Block Island to Nantucket and the Ripes and in fact everywhere south of Cape Cod and did not take a fish. A few small schools were seen but it was impossible to catch them.

### Will Fit for North Bay Trip.

Capt. Hall will probably fit out for North Bay, as reports from down there are more favorable. As it is but mid-summer there is plenty of time to make a good season's work yet.

Capt. Solomon Jacobs has secured a crew which he had no difficulty in doing and will sail today. He will have a look along the coast from Cape Sable to Halifax, where mackerel are reported to have struck in large quantities and the shore fishermen are making good catches, and it would not surprise anyone to hear of this noted mackerel killer being "still on the job."

At Escuminac and the Magdelenes and the north side of Prince Edward Island, a few mackerel are reported being taken at the present time, which is a good omen.

### Mackerel Being Taken in Nova Scotia Traps.

A report from Halifax says that the summer mackerel have struck in, and while no great stops have yet been made, several bunches have been taken. At Herring Cove, Sunday, one of the traps had 200, and all the nets got between 50 and 60. At Herring Cove, Monday morning, one trap had 500 fish. At Ferguson's Cove the fish have not yet appeared, but one net had a few splendid samples, which indicates that the fish are likely to get well into the bay. The fish were sold for 15 cents each. All the fishermen east and west are looking forward to a fair catch.

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## BIDS FOR NEW FISH PIER.

Called for by Harbor and Land Commissioners.

Bids for the construction of the new pier, to be occupied by the Boston fish dealers now on T wharf, were called for by the harbor and land commissioners yesterday. The proposals are for a solid pier, to be erected on the Commonwealth flats in South Boston, to be enclosed by stone masonry sea walls, and for the filling for about 900 feet in length of Northern avenue with enclosing sea wall and bulkhead just east of the Commonwealth pier.

Bids will be received at the office of the commissioners until Friday, September 12, at 2 o'clock, at which time they will be opened. Each bid is to be accompanied by a certified check for \$7500, and a bond of \$75,000 will be required.

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### Fitting for Shacking.

Sch. Patrician has discontinued seining and is now fitting out for a shacking trip under command of Cap. C. Wesley Farmer.



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# ATTORNEY DISCUSSED MEANING OF BAYS IN TREATY OF 1818.

## Showed Where Great Britain Concurred in United States Claim.

## Latter Also Sustained By Writers on International Law.

(From Our Special Correspondent.)  
Charles B. Warren, Esq., of Detroit, one of counsel for the United States in the North Atlantic coast fishery arbitration now before the permanent court of arbitration at The Hague, has just closed a masterly presentation of the United States' side of question five of the special agreement between Great Britain and the United States. "From where must be measured the 'three marine miles of any of the coasts, bays, creeks or harbors referred to in the article one of the treaty of 1818?'"

Mr. Warren began his argument on Tuesday afternoon, July 6, opening this question for the United States and closing it on the following Monday afternoon.

Throughout his whole presentation he confined himself closely to the facts in evidence and their application to question five, and so ably, earnestly and logically did he address himself at all times to the task at hand, that throughout all the days of his argument he held the closest attention of the tribunal and opposing counsel.

In opening counsel disclaimed any fear as expressed by one of the counsel for Great Britain that the recognition of the claim of the United States by the tribunal would result in difficulties and disputes in every part of the world. In fact the claim of the United States had been practically acknowledged by Great Britain in May, 1845, when it was stated in a note from Lord Stanley that His Majesty's government proposed to regard as bays those inlets of the sea which measure from headland to headland at their entrance the double distance of three miles within which it will still be prohibited to the fishermen of the United States to approach the coast for the purpose of fishing.

Counsel also quoted Professor Westlake, until recently professor of international law at the University of Cambridge, England, and at one time president of the Institute of International Law to the effect that bays which have an entrance not exceeding six miles in width, no matter how widely they may expand, belong to the adjoining state.

### Contending Claims of the Two Nations.

Counsel compared carefully the counter claims of the governments on the matter, quoting freely from the British case as presented to the commission which claimed that the word bays in the treaty meant all those waters which at the time everyone knew as bays, and the term bays in the renunciatory article of the treaty includes all tracts of water which were known as bays in 1818 and that the three marine miles must be measured from a line drawn between the headlands of those waters.

For the American side counsel claimed that the words "of His Britannic Majesty's dominions in America," transferred from the treaty of 1783, were equivalent to the other limiting phrases. The notes in the possession of the respective plenipotentiaries disclosed no demand for the surrender of the historic rights of the American fishermen in the great outer bays. There had never been any discussion on such extended jurisdiction and the American plenipotentiaries stated that "their instructions did not anticipate that any new terms or restriction would be annexed to the proposals made by the American government prior to the meeting of the regulations."

### Jurisdiction Over Large Outer Bays Never Claimed by Great Britain.

The American case further claims that the extent of the "bays, creeks or harbors of His Britannic Majesty's dominions in America" could not be determined except by agreement between the two nations provided there was to be any extension beyond the admitted jurisdiction within the three mile limit.

Counsel said there had been no claim of jurisdiction over the larger outer bays on the part of Great Britain and he asked the counsel for Great Britain to point out in the documents before the tribunal where any claim of extended jurisdiction over bays as such was made in that period as against the fishermen of the United States by Great Britain, and of which the United States was ever notified.

On the contrary it was beyond dispute understood that the bays, creeks and harbors of His Britannic Majesty's dominions in America were those within the British limits, and therefore necessary six marine miles or less in width, thus comprehending the waters close upon the shores sought to be closed against the vessels of the United States.

### Position of the United States.

The position of the United States is, in that respect, that wanting a specific assertion of extended jurisdiction over bodies of water outside the acknowledged three mile limit, the only bays that could have been understood to have been included, and could within the comprehension of the negotiators have been understood to have been included, were those bays lying landward of the three-mile line determined upon by the terms of the treaty itself.

And so during the negotiations, the records of the negotiations will be searched in vain for any assertion of jurisdiction over bays as against the fishermen of the United States and presented and made to the United States, larger or greater in extent than those bays found within the three mile limit.

### The Three Mile Limit Outside the Bays.

Continuing, Mr. Warren took up the matter of the three mile limit outside of bays and said that when the line was drawn following the sinuosities of the coast, the lines coming from opposite directions would meet a point three miles from each shore of a bay six miles wide and therefore the line across six mile bays was a natural one. The three-mile-from-land rule excluded the fishing vessels from such bays, creeks or harbors, as it would be impossible to enter them without passing through waters within three miles from the coast at the entrance.

That is, instead of opening a space of water to constant contention among fishermen, the negotiators of the treaty extended the three mile line opposite the entrance of all bays to the six mile or less base as though the lines across those bays were continuations of the shore line. If this had not been done there would have been a triangular shaped body of water over which endless complications would have arisen, because a sailing vessel would have been tacking back and forth in a space of water where there was not room for it to even make a tack and come about without invading the acknowledged territorial waters of Great Britain.

### Line as Drawn Was a Concession to Great Britain.

In reply to questions by the president of the tribunal, Mr. Warren said that the waters within the triangle were admitted to be territorial waters even though some points were without the three mile limit. American fishermen would be excluded from fishing within such triangle, which was a concession made to Great Britain by the words of the treaty.

At the request of Sir Charles Fitzpatrick, a member of the tribunal, Mr. Warren illustrated the claim of the United States by a chart, using St. George's bay, Newfoundland, and Bay Chaleur as illustrations.

### Bays More Than Six Miles Wide Open Waters and Part of High Seas.

By the terms of the treaty of 1783, the subjects of the United States enjoyed, co-extensively with the subjects of Great Britain, all rights of fishing except the right to dry and cure fish on the shores of Newfoundland, and there was no question raised about the extent of the jurisdiction over bays as such, nor was there between that time and 1812, because from the time of the making of the treaty until the War of 1812, the subjects of the United States had, in common with the subjects of Great Britain, under clause three of that treaty, the right to fish in all the bays, creeks and harbors of whatever size no matter whether claimed to be within or without the jurisdiction of Great Britain.

Sir Charles Fitzpatrick—And that right was renounced by the treaty of 1818—is that it?

Mr. Warren—Not at all. Between the treaty of 1783 and the negotiation of the treaty of 1818 the jurisdiction of Great Britain as to bays came to be defined, as I shall show before this discussion is over, and when the treaty of 1818 was drawn the negotiators knew what Great Britain was claiming as to the extent of territorial bays.

Judge Gray—I understand then that when you say that the consequence of the British position is that the United States, by the treaty of 1818 renounced the right to fish on the high seas, to a certain extent, you mean that those bays which were more than six miles wide at their mouths were open waters and part of the high seas. Is that it?

Mr. Warren—That is part of it. But the government of Great Britain do not limit their claim here to territorial waters, but extend their claim to what they are pleased to call geographical waters and they fail to discuss and refuse to discuss the question of the jurisdiction of Great Britain over bays, as understood between the negotiators prior to the treaty of 1818, in contradistinction to the want of any discussion after the treaty of 1783.

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### SWORDFISH LARGEST CAUGHT.

One Taken by Sch. Olivia Sears Weighed 917 Pounds Before Dressing.

The swordfish landed at T wharf by sch. Olivia Sears yesterday, is thought to be the largest ever brought to Boston. The fish weighed 550 pounds when dressed, and 917 pounds when taken from the water. The sword was 4 feet long, and weighed 23 pounds.

John F. Perry of the schooner's crew, harpooned the fish 43 miles northeast of Thatcher's island, the Illyron entering straight to the spine and producing almost instant death. Had Perry failed to make a good cast, the struggle to land the big fish would have been a hard one, as many a fish weighing less than 200 pounds has wrecked dories sent out to bring it in. The fish was more than twice the size of an ordinary swordfish.

### Halibut Sales.

The fare of fresh halibut of sch. Cavalier was sold to the New England Company at 5 1-2 cents right through, and that of sch. Senator was bought by the same company at 8 cents per pound for white and 6 cents for gray.

The fare of sch. Colonial sold to the American Halibut Company at 8 cents per pound for white and 6 cents per pound for gray.

### Fishing Fleet Movements.

Schs. Bohemia, Rex, Muriel and Gov. Russell arrived at Canso Monday last and cleared for the fishing ground.